

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHIGAN WAREHOUSING
GROUP LLC, a Michigan limited
liability company and MIDWEST
VALVE & FITTING COMPANY, a
Michigan corporation,
Plaintiff,

v.

CITY OF DETROIT, a municipal
corporation, by and through its
WATER AND SEWERAGE
DEPARTMENT,
Defendant. /

Case No. _____

Hon. _____

On Removal From Wayne County
Circuit Court Case No. 15-010165-
CB., Hon. Brian R. Sullivan

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**NOTICE OF REMOVAL
BASED ON FEDERAL QUESTION JURISDICTION**

Defendant City of Detroit (the “City”), hereby removes this action from the Third Judicial Circuit Court located in Wayne County, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division. The basis of federal subject matter jurisdiction is federal question jurisdiction.

1. Plaintiffs Michigan Warehousing Group, LLC and Midwest Valve & Fitting Company (“Plaintiffs”) filed their First Amended Class Action Complaint (“Complaint”) in the Third Judicial Circuit Court located in Wayne County, State of Michigan on or about September 10, 2015. Plaintiff served a summons and a copy of their Complaint on the City on or about September 11, 2015.

2. In Count II of their Complaint, Plaintiffs assert violations of their constitutional equal protection guarantees under 28 U.S.C. § 1983. Plaintiffs’ Complaint also alleges state law claims for violation of the Headlee Amendment to the Michigan Constitution (Count I), Unjust Enrichment (Counts III, IV, and V), and Declaratory Judgment (Count VI).

3. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

4. Federal district courts “have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

5. Based on the foregoing legal standards and the allegations set forth in the Complaint and herein, this Court has original jurisdiction over this action under 28 U.S.C. § 1331.

6. This Court may exercise supplemental jurisdiction over Plaintiffs’ state law claims 28 U.S.C.A. § 1367(a) because those claims “are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.”

7. The City may remove Plaintiff’s action to the United States District Court for the Eastern District of Michigan, Southern Division, under 28 U.S.C. § 1441(d) because this Court “embrac[es] the place where the action is pending”—i.e., the City of Detroit, State of Michigan.

8. The City will promptly file a copy of this Notice with the Wayne County Circuit Court and provide written notice thereof to adverse parties as required by 28 U.S.C. § 1446(d).

9. Attached to this Notice is a copy of Plaintiff’s Summons and Complaint (Ex. “A”) filed in Wayne County Circuit Court Case No. 15-010165-CB. No other process, pleadings or orders have been filed and served on the City

in Case No. 15-010165-CB to date.

WHEREFORE, for the reasons stated herein, Defendant City of Detroit is entitled to and hereby does remove this action to the United States District Court for the Eastern District of Michigan, Southern Division under 28 U.S.C. § 1441.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

By: /s/ Sonal Hope Mithani

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Dated: October 1, 2015

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2015, I presented the foregoing document to the Clerk of the Court for filing and uploading to the electronic court filing system which will send notification of such filing to all attorneys of record.

By: /s/ Sonal Hope Mithani
Sonal Hope Mithani (P51984)

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